

Appendix A; Department Statewide Facility List, by District

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DISTRICT ONE FACILITIES		
Table A-1		
FACILITY NAME	CITY	COUNTY
Crittenden County #1 Area Headquarters & RE Office #14	West Memphis	Crittenden
Crittenden County #2 Area Headquarters	Lehi	Crittenden
Cross County Area Headquarters and RE Office #13	Wynne	Cross
District 1 Headquarters	Wynne	Cross
**Forrest City Rest Area-Eastbound	Palestine	St. Francis
**Forrest City Rest Area-Westbound	Forrest City	St. Francis
** Helena Welcome Center	Helena	Phillips
Lee County Area Headquarters	Marianna	Lee
**Lehi Weigh Station (I-40 East and Westbound)	Lehi	Crittenden
** Marion Weigh Station (I-55 Southbound)	Marion	Crittenden
Monroe County Area Headquarters	Brinkley	Monroe
Phillips County Area Headquarters	Walnut Corner	Phillips
** Radio Tower-Storm Creek	West Helena	Phillips
** Radio Tower-Wynne	Wynne	Cross
**RE Office #11	West Helena	Phillips
St. Francis County Area Headquarters	Forrest City	St. Francis
** West Memphis Welcome Center	West Memphis	Crittenden
** West Memphis Weigh Station (I-40 Westbound)	West Memphis	Crittenden
** West Memphis Weigh Station (I-55 Northbound)	West Memphis	Crittenden
Woodruff County Area Headquarters	McCrary	Woodruff

Notes:

1. Shaded names identify facilities that lie within a Regulated Small MS4 Area.
2. Double asterisks identify facilities that, because of their function, do not require the preparation of a facility SWPPP.

DISTRICT TWO FACILITIES Table A-2		
FACILITY NAME	CITY	COUNTY
Arkansas County #1 Area Headquarters	Stuttgart	Arkansas
Arkansas County #2 Area Headquarters	DeWitt	Arkansas
Ashley County Area Headquarters	Hamburg	Ashley
Chicot County Area Headquarters	Lake Village	Chicot
** Dermott Rest Area	Dermott	Chicot
Desha County Area Headquarters and RE Office #24	McGehee	Desha
District 2 Headquarters and RE Office #23	Pine Bluff	Jefferson
Drew County Area Headquarters and RE Office #21	Monticello	Drew
Grant County Area Headquarters	Sheridan	Grant
Jefferson County Area Headquarters	Pine Bluff	Jefferson
** Lake Village Welcome Center	Lake Village	Chicot
Lincoln County Area Headquarters	Star City	Lincoln
** Radio Tower-Fountain Hill	Fountain Hill	Ashley
** Radio Tower-Preston Ferry	Preston Ferry	Arkansas
** Radio Tower-Redfield	Redfield	Jefferson
** Radio Tower-Star City	Star City	Lincoln

Notes:

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DISTRICT THREE FACILITIES Table A-3		
FACILITY NAME	CITY	COUNTY
District 3 Headquarters and RE Office #32	Hope	Hempstead
** Glenwood Rest Area	Glenwood	Pike
** Guernsey Weigh Station (I-30 East and Westbound)	Hope	Hempstead
Hempstead County Area Headquarters	Hope	Hempstead
Howard County Area Headquarters and RE Office #31	Nashville	Howard
Lafayette County Area Headquarters	Lewisville	Lafayette
Little River County Area Headquarters	Ashdown	Little River
Miller County Area Headquarters and RE Office #34	Texarkana	Miller
Nevada County Area Headquarters	Prescott	Nevada
Pike County Area Headquarters	Murfreesboro	Pike
** Radio Tower-Hope	Hope	Hempstead
** Radio Tower-Texarkana	Texarkana	Miller
** Red River Welcome Center	Ashdown	Miller
** Red River Weigh Station (Highway 71 North and Southbound)	Ashdown	Little River
Sevier County Area Headquarters	DeQueen	Sevier
** Texarkana Welcome Center	Texarkana	Miller

Notes:

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DISTRICT FOUR FACILITIES Table A-4		
FACILITY NAME	CITY	COUNTY
** Alma Weigh Station (I-40 East and Westbound)	Alma	Crawford
Crawford County #1 Area Headquarters	Alma	Crawford
Crawford County #2 Area Headquarters	Mountainburg	Crawford
District 4 Headquarters & Sebastian Co. #2 Area Headquarters	Fort Smith	Sebastian
Franklin County Area Headquarters	Ozark	Franklin
Logan County Area Headquarters	Paris	Logan
** Ozark Rest Area (I-40 Eastbound)	Ozark	Franklin
** Ozark Rest Area (I-40 Westbound)	Ozark	Franklin
Polk County Area Headquarters	Mena	Polk
** Radio Tower-Bunyard-Bobby Hopper Tunnel	Winslow	Washington
** Radio Tower-Mt. Magazine	Mt. Magazine State Park	Logan
** Radio Tower-Ouachita National Forest		Polk
** Radio Tower-Winslow	Sunset	Washington
**RE Office #42	Van Buren	Crawford
Scott County Area Headquarters and RE Office #41	Waldron	Scott
Sebastian County #1 Area Headquarters	Greenwood	Sebastian
** Springdale Weigh Station (I-540 Northbound)	Springdale	Washington
** Springdale Weigh Station (I-540 Southbound)	Springdale	Washington
** Van Buren Welcome Center	Van Buren	Crawford
** Waldron Rest Area	Waldron	Scott
Washington County #1 Area Headquarters	Lincoln	Washington
Washington County #2 Area Headquarters and RE Office #43	Fayetteville	Washington

Notes:

1. Shaded names identify facilities that lie within a Regulated Small MS4 Area.
2. Double asterisks identify facilities that, because of their function, do not require the preparation of a facility SWPPP.

DISTRICT FIVE FACILITIES		
Table A-5		
FACILITY NAME	CITY	COUNTY
Cleburne County Area Headquarters	Heber Springs	Cleburne
District 5 Headquarters, Independence County Area Headquarters, and RE Offices #52 and 53	Batesville	Independence
Fulton County Area Headquarters	Salem	Fulton
Izard County Area Headquarters	Melbourne	Izard
Jackson County Area Headquarters	Newport	Jackson
** Radio Tower-Almond	Almond	Cleburne
** Radio Tower-Ash Flat	Ash Flat	Fulton
** Radio Tower-Drasco	Drasco	Cleburne
** Radio Tower-Oakland	Bradford	Jackson
** Salado Creek Rest Area	Pleasant	Independence
Sharp County Area Headquarters	Hardy	Sharp
Stone County Area Headquarters	Mountain	Stone
White County #1 Area Headquarters and RE Office #55	Searcy	White
White County #2 Area Headquarters	Bald Knob	White

Notes:

1. Shaded names identify facilities that lie within a Regulated Small MS4 Area.
2. Double asterisks identify facilities that, because of their function, do not require the preparation of a facility SWPPP.

DISTRICT SIX FACILITIES		
Table A-6		
FACILITY NAME	CITY	COUNTY
*Central Complex, District 6 Headquarters, Pulaski County #3 Area Headquarters, & RE Office # 65 Headquarters	Little Rock	Pulaski
*Central Shop, Maintenance Headquarters, and Materials Lab Annex	Little Rock	Pulaski
Garland County Area Headquarters and RE Office #64	Hot Springs	Garland
Hot Springs County Area Headquarters	Malvern	Hot
Lonoke County Area Headquarters	Lonoke	Lonoke
** Lonsdale Rest Area	Lonsdale	Garland
Prairie County Area Headquarters	Hazen	Prairie
Pulaski County #1 Area Headquarters and RE Office #61	North Little Rock	Pulaski
Pulaski County #2 Area Headquarters and RE Office #62	Little Rock	Pulaski
** Radio Tower-Carlisle	Carlisle	Lonoke
** Radio Tower-Ouachita National Forest		Garland
** Radio Tower-Rolla	Rolla	Hot Spring
** Radio Tower-Shinall (KARK & KTHV TV)	Little Rock	Pulaski
Saline County Area Headquarters	Benton	Pulaski
** Social Hill Rest Area	Social Hill	Hot Spring
** White River Rest Area	DeValls Bluff	Prairie

Notes:

1. Shaded names identify facilities that lie within a Regulated Small MS4 Area.
2. Double asterisks identify facilities that, because of their function, do not require the preparation of a facility SWPPP.
3. A single asterisk identifies Department facilities which are located within the City of Little Rock MS4 area and which are covered under NPDES Permit ARS000002.

DISTRICT SEVEN FACILITIES		
Table A-7		
FACILITY NAME	CITY	COUNTY
Bradley County Area Headquarters	Warren	Bradley
** Buena Vista Rest Area	Buena Vista	Ouachita
Calhoun County Area Headquarters	Hampton	Calhoun
Clark County Area Headquarters and RE Sub-Office #73	Arkadelphia	Clark
Cleveland County Area Headquarters	Rison	Cleveland
Columbia County Area Headquarters	Magnolia	Columbia
Dallas County Area Headquarters	Fordyce	Dallas
District 7 Headquarters and RE Office #74	Camden	Ouachita
** El Dorado Welcome Center	El Dorado	Union
**Gurdon Rest Area (I-30 Eastbound)	Gurdon	Clark
**Gurdon Rest Area (I-30 Westbound)	Gurdon	Clark
Ouachita County Area Headquarters	Camden	Ouachita
** Radio Tower-Banks	Banks	Bradley
** Radio Tower-Camden	Camden	Ouachita
** Radio Tower-El Dorado	Parkers Chapel	Union
** Radio Tower-Okolona	Okolona	Clark
** Radio Tower-Ramsey	Ramsey	Dallas
** Radio Tower-Waldo	Waldo	Columbia
**RE Office #73	Camden	Ouachita
** Rison Rest Area	Rison	Cleveland
Union County Area Headquarters and RE Office #76	El Dorado	Union

Notes:

1. Shaded names identify facilities that lie within a Regulated Small MS4 Area.
2. Double asterisks identify facilities that, because of their function, do not require the preparation of a facility SWPPP.

DISTRICT EIGHT FACILITIES Table A-8		
FACILITY NAME	CITY	COUNTY
** Big Piney Rest Area (I-40 Eastbound)	Russellville	Johnson
** Big Piney Rest Area (I-40 Westbound)	Russellville	Pope
Conway County Area Headquarters	Morrilton	Conway
District 8 Headquarters and RE Office #86	Russellville	Pope
Faulkner County Area Headquarters and RE Office #84	Conway	Faulkner
Johnson County Area Headquarters and RE Office #82	Clarksville	Johnson
Montgomery Area Headquarters	Pencil Bluff	Montgomery
Perry County Area Headquarters	Perryville	Perry
Pope County Area Headquarters	Russellville	Pope
** Radio Tower-Buffalo	Guy	Faulkner
** Radio Tower-Conway	Conway	Faulkner
** Radio Tower-Mt. Nebo	Mt. Nebo State Park	Yell
** Radio Tower-Peterman	Hector	Pope
Van Buren County Area Headquarters	Clinton	Van Buren
Yell County Area Headquarters	Danville	Yell

Notes:

1. Shaded names identify facilities that lie within a Regulated Small MS4 Area.
2. Double asterisks identify facilities that, because of their function, do not require the preparation of a facility SWPPP.

DISTRICT NINE FACILITIES		
Table A-9		
FACILITY NAME	CITY	COUNTY
Baxter County Area Headquarters	Mountain Home	Baxter
** Bella Vista Welcome Center	Bella Vista	Benton
Benton County #1 Area Headquarters	Garfield	Benton
Benton County #2 Area Headquarters	Gentry	Benton
Boone County Area Headquarters	Harrison	Boone
Carroll County Area Headquarters	Berryville	Carroll
District 9 Headquarters and RE Office #92	Harrison	Boone
** Harrison Welcome Center	Harrison	Boone
Madison County Area Headquarters	Huntsville	Madison
Marion County Area Headquarters and RE Office #95	Yellville	Marion
Newton County Area Headquarters	Jasper	Newton
Peel Ferry Maintenance Building	Peel	Marion
** Radio Tower-Gaither	Gaither	Boone
** Radio Tower-Henderson Ferry	Henderson	Baxter
** Radio Tower-Hindsville	Hindsville	Madison
** Radio Tower-Marshall	Marshall	Searcy
**RE Office #94 and Radio Tower	Bentonville	Benton
Searcy County Area Headquarters	Marshall	Searcy
** Siloam Springs Welcome Center	Siloam Springs	Benton

Notes:

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2. Double asterisks identify facilities that, because of their function, do not require the preparation of a facility SWPPP.

DISTRICT TEN FACILITIES Table A-10		
FACILITY NAME	CITY	COUNTY
** Bardstown Rest Area (I-55 Southbound)	Bardstown	Mississippi
***Blytheville Weigh Station	Blytheville	Mississippi
** Blytheville Welcome Center	Blytheville	Mississippi
Clay County Area Headquarters	Corning	Clay
** Corning Welcome Center	Corning	Clay
Craighead County Area Headquarters and RE Office #06	Jonesboro	Craighead
District 10 Headquarters and RE Office #04	Paragould	Greene
Greene County Area Headquarters	Paragould	Greene
** Hilton Rest Area (I-55 Northbound)	Osceola	Mississippi
** Imboden/Black Rock Rest Area	Black Rock	Lawrence
Lawrence County Area Headquarters	Walnut Ridge	Lawrence
Mississippi County #1 Area Headquarters	Blytheville	Mississippi
Mississippi County #2 Area Headquarters	Osceola	Mississippi
Poinsett County Area Headquarters	Marked Tree	Poinsett
** Radio Tower-Harrisburg	Harrisburg	Poinsett
** Radio Tower-Paragould	Paragould	Greene
** Radio Tower-PROPOSED Osceola Tower	Osceola	Mississippi
** Radio Tower-Ravenden	Ravenden Springs	Randolph
Randolph County Area Headquarters	Pocahontas	Randolph
**RE Office #05	Osceola	Mississippi

Notes:

1. Shaded names identify facilities that lie within a Regulated Small MS4 Area.
2. Double asterisks identify facilities that, because of their function, do not require the preparation of a facility SWPPP.
3. Triple asterisks identify facilities that are not currently in use.

Appendix B; NPDES Storm Water Permit ARR040000 Notice of Intent
April 30, 2004

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NOTICE OF INTENT
FOR DISCHARGES OF STORM WATER
ASSOCIATED WITH REGULATED SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS
AUTHORIZED UNDER NPDES GENERAL PERMIT ARR040000

The enclosed form may be used to obtain coverage under NPDES general permit ARR040000 for discharges of storm water associated with Regulated Small Municipal Separate Storm Sewer Systems (MS4). **Only** a copy of the attached authorized Notice of Intent form will be accepted by this Department.

Return the completed form to:

Arkansas Department of Environmental Quality

NPDES Branch, Water Division

P.O. Box 8913

Little Rock, AR 72219

The following entities are required to obtain coverage under this permit if it:

- (1) Is located fully or partially within an urbanized area as determined by the 2000 Decennial Census, or
- (2) Is designated for permit authorization by ADEQ pursuant to 40 CFR 122.32.

Unless notified otherwise by the Director within two weeks of receipt of the completed NOI by the Department, MS4 operators are authorized to discharge storm water from the designated small MS4 under the terms and conditions of the general permit.

As required by ADEQ Regulation No. 9, **an initial permit fee of \$200.00 must be submitted with this NOI. Subsequent annual fees of \$200.00 per year will be billed by the Department.** Failure to remit the required permit fee may be grounds for the Director to deny coverage under this general permit, and to require the owner or operator to apply for an individual NPDES permit.

NOTE: DO NOT LEAVE BLANK SPACES IN THE NOTICE OF INTENT. IF ANY QUESTION DOES NOT APPLY, MARK "N/A" IN THE SPACE PROVIDED. USE "NONE" IF THE FACILITY IS NOT REQUIRED TO MONITOR.

For additional information please contact:

Storm Water Runoff Engineer
Ph.: (501) 682-0623
Fax: (501) 682-0910
Email: adeq@state.ar.us

NOTICE OF INTENT

FOR DISCHARGERS OF STORM WATER RUNOFF

ASSOCIATED WITH REGULATED SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

AUTHORIZED UNDER NPDES GENERAL PERMIT ARR040000

I. OPERATOR INFORMATION

Small MS4 Name: Arkansas State Highway & Transportation Dept. Owner Type:

Small MS4
Mailing Address: P.O. Box 2261 ☐ FEDERAL ☒ STATE

Actual Street
Address: 10324 Interstate 30 ☐ PUBLIC ☐ OTHER

City: Little Rock

State: AR Zip: 72203-2261

Urbanized Area or
Core Area: Conway, Fayetteville-Springdale, Fort Smith, Hot Springs, Jonesboro, Little Rock,
Maumelle, West Memphis, Pine Bluff, Texarkana

County(ies): Statewide

Enter the Latitude and Longitude of the approximate center of the Small MS4 (A map must be included.):

Small MS4
Latitude: 34 degrees 40 minutes 16 seconds

Small MS4
Longitude: -92 degrees 22 minutes 57 seconds

II. CONTACT INFORMATION

Name: Brenda Price Telephone: (501) 569-2284

Title: Section Head-NPDES

III. DISCHARGE INFORMATION

Name of Receiving Stream (for discharges to surface waters): See Attachment A, Receiving Streams

Name of Ultimate Receiving Stream: Arkansas River, Mississippi River, Ouachita River,
Red River, St. Francis River, White River

Are any of the Receiving Stream(s) on the latest Clean Water Act section 303(d) list of impaired waters or have an approved TMDL? (Information regarding existing and proposed TMDLs can be obtained from the Water Quality Section website at http://www.adeg.state.ar.us/water/branch_planning/.)

☒ Yes ☐ No ☐ N/A

If yes, list the Receiving Stream(s): Clear Creek, West Fork of White River, Town Branch, Bayou DeView, Bayou Bartholomew, Stone Dam Creek, Bayou Meto

If the Small MS4 discharges to any water(s) for which a TMDL applicable to discharges from the MS4 has been approved, indicate that the SWMP meets the requirements of Part I.D.8 of the Small MS4 Permit:

☒ Yes ☐ No ☐ N/A

IV. STORM WATER MANAGEMENT PROGRAM INFORMATION

Is the MS4 operator relying on another governmental entity to satisfy one or more permit obligations (see Part V.D)?

☒ Yes ☐ No ☐ N/A

The Arkansas Department of Environmental Quality will be asked to manage NPDES industrial discharges, construction storm water discharges, materials spills, and other matters under their purview.

If yes, describe: The Arkansas Department of Health will be asked to manage illegal septic tank discharges and any other matters under their purview.

MS4 Operator cities and counties will be asked to manage illegal discharges entering the Department's MS4 from the areas under their jurisdiction, and to manage Post-Construction Storm Water Management In New Development and Redevelopment that occurs within their jurisdiction and adjacent to the Department's MS4.

Does the MS4 operator intend to cover discharges associated with industrial activity under this permit (see Part V.B.6.d)?

☒ Yes ☐ No ☐ N/A

If yes, describe: All Department facilities statewide.

Does the MS4 operator intend to cover discharges associated with construction activity under this permit (see Part V.B.4.d)?

☐ Yes ☒ No ☐ N/A

If yes, describe:

Minimum Control Measures/Best Management Practices (BMPs):

(1) Public Education and Outreach on Storm Water Impacts

BMP(s): Develop or acquire information handouts on storm water management
Storm Water Website development
Public Hotline
Spanish Translation
Adopt-A-Highway Program
Information Tracking System

Informational handouts will be developed or acquired for several audiences, including adults and children, to be distributed at 50 public meetings statewide each year. Aug 1, 2004-Jan 1, 2009

Measurable Goals: (with start and end dates) A website explaining storm water management and the Department's Storm Water Program will be developed. May 1, 2004-Jan 1, 2009

A Public Hotline will be created to allow citizens to express concerns related to storm water issues statewide. Feb 1, 2005-Jan 31, 2006

Spanish versions of storm water materials will be made available to the public, and translation services provided to other cooperating agencies. May 1, 2005-Jan 31, 2009

Volunteers working with the Department will collect at least 3,000 cubic yards of litter from roadsides statewide each year. Feb 1, 2004-Jan 31, 2009

Design an information management system to track information submitted by the public. June 1, 2004-Feb 1, 2006

(2) Public Involvement/Participation

Measurable Goals: (with start and end dates)	BMP(s):	Public Notice for Storm Water Management Program development
		Coordination with other public and private entities
		Storm Water Website
		Department Storm Water Contacts
		Participation in the Arkansas Watershed Advisory Group (AWAG)
		The Department will give Public Notice of and provide for public comment on the Department's Storm Water Management Program according to current regulations.
		May 1, 2004-July 31, 2006
		Coordinate with other state and federal agencies, MS4s, and related groups each year on storm water issues. Feb 1, 2004-Jan 31, 2009
		Storm Water Management Plan (SWMP) will be published on the website as it is developed. Provide forum for public input and comments about the SWMP and Department's Storm Water Program. June 1, 2004-May 31, 2006
		Establish Department contacts for storm water related issues statewide. Feb 1, 2004-Jan 31, 2006
		A Department contact will attend at least 50% of the AWAG meetings each year. Feb 1, 2004-Jan 31, 2009.

(3) Illicit Discharge Detection and Elimination

Measurable Goals: (with start and end dates)	BMP(s):	Storm sewer outfall mapping
		Inspect Department's MS4 system for illicit discharges
		Develop employee training on illicit discharge detection and reporting
		Illicit discharge report protocol
		Statewide reporting of discovered illicit discharges
		Employee training statewide
		Web site development
		Public hotline
		Statewide Department facility inspections
		Map, as required by the permit, ¼ of Department's storm sewer outfalls each year. Feb 1, 05-Jan 31, 2009
		Inspect ¼ of the Department's MS4 system, within the designated small MS4 areas, for illicit discharges and dry weather flows each year. Feb 1, 05-Jan 31, 2009
		Employee training program for illicit discharge detection and reporting will be developed. Jan 1, 2005-Jan 31, 2007
		Create and coordinate a method of reporting all detected illicit discharges to the appropriate entity/agency. Jan 1, 2005-June 31, 2006
		The Department's employees will report all illicit discharges and dry weather flows found during routine maintenance and construction activities statewide according to the illicit discharge detection and reporting protocol. Jan 1, 2007-Jan 31, 2009
		Will train ½ of appropriate Department maintenance and construction personnel each year and implement illicit discharge detection and reporting protocol statewide. Feb 1, 2006-Jan 31, 2008
		A portion of the storm water web site will include information on illicit discharges and provide a means for citizens to report suspected illicit discharges within the Department's statewide MS4. May 1, 2005-Apr 31, 2006
		A public hotline will be created for citizens to express concerns related to illicit discharges within the Department's statewide MS4. Feb 1, 2005-Jan 31, 2006
		Inspections for illicit discharges will be conducted each year on ¼ of Department facilities. Feb 1, 2005-Jan 31, 2009

(4) Construction Site Storm Water Runoff Control

Measurable Goals: (with start and end dates)	BMP(s):	Develop Erosion and Sediment Control Manual for maintenance practices
		Train maintenance personnel
		Review current construction BMPs and methods
		Develop new standard features and methods for construction BMPs
		Review and update Erosion and Sediment Control Design and Construction Manual
		Public hotline
		Web site development
		Training for construction related Department inspectors
		Training for construction related Department contractors
		Evaluation of construction site Storm Water Management Program
		Develop erosion and sediment control manual for maintenance practices. May 1, 2004-Oct 30, 2005
		Conduct training of Maintenance Supervisors in erosion and sediment control practices statewide. May 1, 2006-Apr 30, 2008
		Current standard construction BMPs and activities will be reviewed for status of compliance with permit requirements. May 1, 2005-Apr 30, 2007
		Research construction BMPs adopted by other state DOTs and government entities for effectiveness and feasibility, and use them as a basis to develop new or updated construction BMPs. May 1, 2006-Jan 31, 2009
		Update current Erosion and Sediment Control Manual used by the Design and Construction Divisions to add new temporary erosion and sediment control methods. July 1, 2005-June 30, 2008
		A public hotline will be created for citizens to express concerns about erosion and sediment control problems associated with the Department's right of way and/or activities statewide. July 1, 2004-Nov 30, 2006
		Incorporate construction site storm water management into the Storm Water website by providing a list of Department adopted construction site BMPs, and adding a forum for the public to express concerns and comments. July 1, 2006-June 30, 2008
		Train inspectors statewide annually in proper erosion and sediment control measures and inspection methods. Feb 1, 2004-Jan 31, 2009
		Offer annual training to contractors in the Department's adopted best management practices (BMPs) for construction activities. July 1, 2006-Jan 31, 2009
		Perform random inspections of five construction sites statewide to determine overall site compliance. Feb 1, 2008-Jan 31, 2009
		Evaluate the Department's standard erosion and sediment control features and other BMPs for effectiveness and update as needed. Feb 1, 2007-Jan 31, 2009

(5) Post-Construction Storm Water Management In New Development and Redevelopment

Measurable Goals: (with start and end dates)	BMP(s):	Review current BMPs used by Department for Storm Water Management
		Develop new standard features and methods for post-construction storm water management
		Implement post-construction BMPs
		Incorporate maintenance schedule
		Employee training
		Review of post-construction BMPs
		Current post-construction storm water management BMPs and activities will be reviewed for status of compliance with MS4 permit requirements. May 1, 2005-April 30, 2006
		Research post-construction BMPs adopted by other state DOTs and government entities for effectiveness and feasibility, and use them as a basis to develop new or updated BMPs. May 1, 2006-April 30, 2008
		Implement new post-construction BMPs into Department projects in designated small MS4 areas. Feb 1, 2008-Jan 31, 2009
		Develop and incorporate a maintenance schedule for permanent storm water management structures on Department right of way. Feb 1, 2007-Jan 31, 2009
		Provide employee training on maintenance of storm water BMPs statewide. Feb 1, 2008-Jan 31, 2009
		Affirm that post-construction BMPs are operated and maintained as designed in the SWMP. Feb 1, 2008-Jan 31, 2009

(6) Pollution Prevention/Good Housekeeping for Municipal Operations – BMPs:

BMP(s):	Adopt-A-Highway Program
	Reducing floatables
Measurable Goals: (with start and end dates)	Street-sweeping
	Inspection of drainage system
	Permit Department facilities in designated Small MS4 areas
	Permit Department facilities statewide
	Develop litter control tracking system
	Establish inspection and maintenance schedules
	Employee training for good housekeeping
	Update Vegetation Control Manual
	Expand the Adopt-A-Highway Program. Strive to increase volunteers by 10% statewide. Feb 1, 2005-Jan 31, 2009
	The Department will collect and dispose of 25,000 cubic yards of litter from roadsides statewide each year. Feb 1, 2005-Jan 31, 2009
	Within the designated small MS4 areas, street-sweeping schedules will be implemented for all state highway routes as dictated by need. Factors affecting scheduling are adjacent land use, traffic volume, spills, and seasonal considerations. Feb 1, 2006-Jan 31, 2009
	The Department's drainage system with the designated small MS4 areas will be inspected for required maintenance quarterly. Feb 1, 2005-Jan 31, 2009
	Permit all Department facilities in designated small MS4s under the General Small MS4 permit. Prepare and implement SWPPP for each of the facilities. May 1, 2005-April 30, 2007
	Permit remainder of the Department facilities statewide under General Small MS4 permit. May 1, 2007-Jan 31, 2009
	Develop a feasible method to accurately track the amount of litter removed from Department facilities and road systems through street-sweeping and litter pick-up activities. July 1, 2005-June 30, 2006
	Establish inspection schedule for Area Headquarters in compliance with Phase II program and SWPPP. Establish maintenance schedule for BMPs at Area Headquarters. Feb 1, 2006-Jan 31, 2009
	Implement employee training program for maintenance employees. Train ½ of maintenance supervisors each year. Feb 1, 2007-Jan 31, 2009
	Update current vegetation control manual with consideration to Phase II requirements. Feb 1, 2007-Jan 31, 2009

V. CERTIFICATION OF PERMITTEE (See Part VI.I, page 23 & 24 of the general permit)

For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of Part VI.H of the general permit, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

"I certify that the cognizant official designated in this Notice of Intent is qualified to act as a dully authorized representative under the provisions of 40 CFR 122.22(b). If no cognizant official has been designated, I understand that the Department will accept reports signed by the applicant. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Typed or Printed Name: Robert L. Walters

Title: Chief Engineer

Signature: Signed

Date: 4-30-2004

An Initial Permit Fee of \$200.00 must be submitted with this NOI.

Check
Number: _____

VI. PERMIT REQUIREMENT VERIFICATION

Please check the following to verify completion of permit requirements.

	Yes	No
Submittal of Complete NOI?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Submittal of Required Permit Fee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Submittal of an MS4 Location Map?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attachment A; Receiving Waters in Designated Small MS4 Areas**Conway Small MS4 Designated Area**

Arkansas River
Beaver Fork Lake
Cadron Creek
Cold Creek
Cypress Creek
Lake Carol-Dan
Lake Conway
Little Creek
Stone Dam Creek
Tucker Creek
Unnamed ponds and tributaries

Fayetteville Urbanized Area

Arkansas River
Brush Creek
Cato Springs
Branch Ward Slough
Illinois River
Clabber Creek
Clear Creek
Farmington Branch
Goose Creek
Hamestring Creek
Lake Atlanta
Lake Bentonville
Lake Fayetteville
Lake Lucille
Lake Sequoyah
Little Sugar Creek
McKisic Creek
Middle Fork of White River
Minnow farm ponds
Monte Ne Branch
Mud Creek
Osage Creek
Owl Creek
Phillips Creek
Prairie Creek
Puppy Creek
Scull Creek
Spring Creek
Town Branch
West Fork of White River
White River

Fort Smith Urbanized Area

Arkansas River
Cedar Creek
Flat Rock Creek
Foster Branch
Garrison Creek
Lee Creek
Little Massard Creek
Little Vache Grasse Creek
Louemma Lake
Massard Creek
Mill Creek
Poteau River
Unnamed ponds and tributaries
Webster Branch

Hot Springs Urbanized Area

Bull Bayou
East Branch
Gulpha Creek
Hot Springs Creek
Kelly Creek
Lake Catherine
Lake Hamilton
Little Mazarn Creek
Middle Branch
Molly Creek
Mazarn Creek
Ouachita River
Spencer Bayou
Stokes Creek
Unnamed ponds and tributaries

Jonesboro Urbanized Area

Bayou DeView
Big Creek Ditch
Bridger Creek
Christian Creek
Culberhouse Lateral
Davis Branch
Higginbottom Creek
Lateral No. 1
Little Bay Ditch
Lost Creek
Lost Creek Ditch
Maple Slough Ditch
St. Francis River
Turtle Creek
Viney Slough Ditch
White River
Unnamed ponds and tributaries

Little Rock Urbanized Area

Alum Fork – Saline River	Lake Pauline
Arkansas River	Lakewood Lake #1
Bayou Meto	Lakewood Lake #2
Big Dickinson Creek	Lakewood Lake #3
Brewer Branch	Lakewood Lake #4
Bridge Creek	Landmark Branch
Brodie Creek	Ledbetter Branch
Brushy Island Creek	Leopard Creek
Callaghan Creek	Little Fourche Creek
Cane Creek	Little Maumelle River
Clark Bayou	McGuire Lake
Coleman Creek	McHenry Creek
Crooked Creek	McNeil Creek
Cypress Branch	Miles Creek
David D. Terry Lake	Mill Creek
Depot Creek	Murray Lake
Dry Creek	Newton Creek
Faulkner Lake	Ouachita River
Fears Lake	Owen Creek
Fish Creek	Panther Branch
Five mile Creek	Pebble Lake
Fountain Lake	Pector Lake
Fourche Bayou	Rock Creek
Fourche Creek	Rocky Branch Creek
Four mile Creek	Shilcotte Bayou
Gap Creek	Spring Creek
Glade Branch	Taylor Creek
Grassy Creek	Trammel Lake
Grassy Flat Creek	Treadway Branch
Hay Branch	Two Prairie Bayou
Holly Creek	Vinson Branch
Hudson Branch	Watkins Pond
Hurricane Creek	Wattensaw Bayou
Hurricane Lake	White Oak Bayou
Indian Springs Lake	White River
Indianhead Lake	Willow Lake
Ink Bayou	Winifree Creek
Jacks Bayou	Woodruff Creek
Jackson Reservoir	Abandoned Quarries and Strip Mines
Jimerson Creek	Unnamed Tributaries and Ponds
Kellogg Creek	Gravel Pits

Maumelle Small MS4 Designated Area

Arkansas River
Lake Willastein
Murray Lake
Palarm Creek
Pector Brake
Unnamed tributaries

Pine Bluff Urbanized Area

Arkansas River
Arnold Creek
Bayou Bartholomew
Boggy Bayou
Caney Bayou
Caney Bayou Fork
Gamble Creek
Lake Langhofer
Lake Pine Bluff
Nevins Creek
Ouachita River
Unnamed ponds and tributaries

Texarkana Urbanized Area

Adams Creek
Days Creek
Four Mile Creek
McKinney Bayou
Nix Creek
Red River
Rocky Creek
Turkey Creek
Unnamed ponds and tributaries

West Memphis Urbanized Area

Fifteen Mile Bayou
Irrigation Ditch 12
Irrigation Ditch 15
Irrigation Ditch 4A
Irrigation Ditch 5A
Irrigation Ditch 5B
Irrigation Ditch 6
Marion Lake
Mississippi River
Tensile Bayou
Wetlands/ ponds associated with Mississippi River levee
Unnamed tributaries

Note to Attachment A:

This list of receiving waters was obtained from the USGS Quadrangle Maps available at the time the NOI was submitted. During the storm water outfall mapping, any corrections to this list will be noted and the NOI will be updated after the conclusion of the mapping process.

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Appendix C; Highway Mileage Within Phase II Regulated Small MS4 Areas

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AHTD Highway System
Miles Within Phase II Regulated Small MS4 Areas
Table C-1

Regulated MS4 Area	Regulated Interstates (Miles)	Regulated US Routes (Miles)	Regulated State Routes (Miles)	Total Miles
Conway Designated Area	11.3	15	16.5	42.8
Fayetteville Urbanized Area	14.8	57.2	68.9	140.9
Fort Smith Urbanized Area	21.1	19.7	30.1	71
Hot Springs Urbanized Area	0	53	26.6	79.5
Jonesboro Urbanized Area	0	50.4	21.8	72.2
Little Rock Urbanized Area *	27.1	27.4	75.8	130.3
Maumelle Designated Area	0	0	8	8
Pine Bluff Urbanized Area	7.1	23	27.4	57.5
Texarkana Urbanized Area	2.3	14.4	18.3	35
West Memphis Urbanized Area	51.4	6.4	8.5	66.3
Totals	135.1	266.5	301.9	703.5

Notes:

The mileage within each MS4 area was computed using *GeoMedia* software. For mapping purposes, each side of a divided highway is considered to be a discrete section of roadway. Any changes found during storm water outfall mapping will be noted and this Appendix will be updated after the mapping is concluded.

For sections of highway that are under construction when the MS4 area is mapped, the location is recorded and tracked for mapping when the construction is complete. If the construction is still underway at the expiration date of the permit, the unmapped areas will be identified in the Annual Report for Permit Year 5. The mapping will be accomplished at the earliest possible date after construction is complete.

*The mileage shown for the Little Rock urbanized area does not include those miles of highway that fall within the City of Little Rock.

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Appendix D; Documents Used In AHTD Storm Water Management

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Documents Used In AHTD Storm Water Management

AHTD Standard Specifications for Highway Construction, Edition of 2003

AHTD 2004 Erosion and Sediment Control Design and Construction Manual

AHTD Vegetation Control Manual

AHTD Storm Water Website

AHTD Illicit Discharge Detection and Reporting Training Module

Arkansas Pollution Control and Ecology Commission Regulation 2; Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas as revised, effective May 17, 2004.

EPA Spill Prevention, Control and Countermeasures (SPCC) Regulation, February 2003

Individual AHTD Facility Storm Water Pollution Plans

NPDES General Construction Storm Water Permit ARR150000

NPDES General Permit ARR040000; Regulated Small Municipal Separate Storm Sewer Systems (MS4s) Located within the State of Arkansas

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**Appendix E; NPDES General Permit ARR040000-Regulated Small
Municipal Separate Storm Sewer Systems (MS4s) Located within the
State of Arkansas**

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AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. 1251 et seq.),

Regulated Small Municipal Separate Storm Sewer Systems (MS4's) Located within the State of Arkansas

are authorized to discharge, in accordance with the requirements and other conditions set forth in this permit, to all receiving waters except as stated in Part I.D of this permit

Only those operators of regulated MS4's who submit the required Notice of Intent (NOI) and Storm Water Management Plan (SWMP) in accordance with Part III of this permit are authorized to discharge storm water under the provisions of this general permit.

This permit shall become effective on February 1, 2004.

This permit and the authorization to discharge shall expire at midnight, January 31, 2009.

Signed this 31st day of December, 2003

Martin Maner, P.E.
Chief, Water Division
Arkansas Department of Environmental Quality

PART I COVERAGE UNDER THIS GENERAL PERMIT

A. Permit Area. This permit covers all areas within the State of Arkansas.

B. Eligibility.

1. This permit authorizes the discharge of storm water from small municipal separate storm sewer systems (MS4s) as defined in 40 CFR 122.26(b)(16) and/or Part VII of this permit provided that the permittee complies with all the requirements of this general permit and the MS4:

- a. Is located fully or partially (If the small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated.) within an urbanized area as determined by the 2000 Decennial Census, or
- b. Is designated for permit authorization by ADEQ pursuant to 40 CFR 122.32.

i. Designation Criteria for Municipalities

- (A) Directly discharges to a 303(d) listed Stream with pollutants of concern caused by storm water; or
- (B) Directly discharges to an Arkansas Extraordinary Resource Stream (AERS); or
- (C) Has had a 50% population growth rate between the 1990 Census and 2000 Census

The following municipalities meet the designation criteria:

City / Town	Discharge to 303(d) stream	Discharge to AERS	Percent Population Change
Conway	No	No	63
Maumelle	No	No	57.2

ii. Designation Criteria for Hospitals, Universities, Military Bases, and Prisons:

- (A) Directly discharges to a 303(d) listed Stream with pollutants of concern caused by storm water; or

- (B) Directly discharges to an Arkansas Extraordinary Resource Stream (AERS).

The following Hospitals, Universities, Military Bases, or Prisons meet the designation criteria:

None

2. This permit may also authorize an operator of a regulated small MS4 to lawfully discharge storm water in lieu of an otherwise required construction and/or industrial general permit if:
 - a. The discharge of storm water is associated with construction activity at the permittee's construction site and is operated by the permittee and located within its permitted area of the designated MS4, consistent with the requirements of Part V.B.4.d, provided the discharges would otherwise be eligible for coverage under ADEQ's current Construction General Permit; and/or
 - b. The discharge of storm water is associated with industrial activity at the permittee's facility and is operated by the permittee and located within its permitted area of the designated MS4, consistent with the requirements of Part V.B.6.d, provided the discharges would otherwise be eligible for coverage under ADEQ's current General Industrial Storm Water Permit.

C. Non-Storm Water Discharges.

1. The permittee must prohibit all non-storm water discharges to their MS4 unless the discharges have been authorized by the ADEQ and the Regulated Small MS4 or as provided in Part I.C.2.
2. The following non-storm water discharges may be discharged unless they are identified as significant contributors of pollutants to or from the MS4. If any of the following discharges are identified as a significant contributor, the permittee must address the discharge as an illicit discharge as specified in Part V.B.3 of this permit:
 - Water line flushing,
 - Landscape irrigation,

- Diverted stream flows,
- Rising ground waters,
- Uncontaminated ground water infiltration,
- Uncontaminated pumped groundwater,
- Incidental discharges from potable water sources,
- Foundation drains,
- Air conditioning condensate,
- Irrigation water,
- Springs,
- Water from crawl space pumps,
- Footing drains,
- Lawn watering,
- Individual residential car washing,
- Discharges from riparian habitats and wetlands,
- Dechlorinated swimming pool discharges,
- Street wash water,
- Routine building wash water,
- Static aircraft wash water,
- Discharges or flows from emergency fire fighting activities, and
- Other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that are not reasonably expected (based on information available to the Permittee) to be significant sources of pollutants to the Municipal Separate Storm Sewer System, because of either the nature of the discharges or conditions placed on the discharges by the Permittee.

D. Limitations of Coverage. This general permit does not authorize:

1. Discharges mixed with sources of non-storm water unless the non-storm water discharges are determined not to be a significant contributor of pollutants as defined in Part VII to waters of the United States;
2. Storm water discharges associated with industrial activity as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi), except as allowed under Part I.B.2.b;
3. Storm water discharges associated with construction activity as defined in 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15), except as allowed under Part I.B.2.a;
4. Storm water discharges currently covered under an individual or other general NPDES permit;
5. Storm water discharges whose direct, indirect, interrelated, interconnected, or interdependent impacts would jeopardize a listed endangered or threatened

species or adversely modify designated critical habitat as defined by the U.S. Fish & Wildlife Services (USF&WS). <http://endangered.fws.gov/>

6. Storm water discharges or implementation of the storm water management plan, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless you are in compliance with requirements of the National Historic Preservation Act and have coordinated any necessary activities to avoid or minimize impacts with the appropriate State Historic Preservation Officer.
7. Storm water discharges that will cause or contribute to non-attainment of water quality standards, including failure to protect and maintain existing designated uses of receiving waters. ADEQ may

require an application for an individual NPDES permit to authorize discharges of storm water from any activity that ADEQ determines to cause or makes a contribution to exceed a water quality standard or that ADEQ determines to cause or contribute to the loss of a designated use of receiving waters.
8. Discharges to waters for which there is an approved Total Maximum Daily Load and/or implementation plan (TMDL/IP) addressing discharges of storm water associated with MS4s, unless the MS4 operator develops and certifies a SWMP that is consistent with the assumptions and allocations in the approved TMDL/IP. To be eligible for coverage under this general permit, operators must incorporate into their SWMP any conditions applicable to their discharges necessary for consistency with the assumptions and allocations of the TMDL/IP within any timeframes established in the TMDL/IP. If a specific numeric waste load allocation has been established that would apply to the project=s discharges, the operator must incorporate that allocation into its SWMP and implement necessary steps to meet that allocation. Information regarding existing and proposed TMDLs can be obtained from the Water Quality Section of the ADEQ Water Division at (501) 682-0660 or from the ADEQ website at the following address: http://www.adeq.state.ar.us/water/branch_planning/.
9. Storm water discharges which are prohibited for permitting in 40 CFR 122.4 of the federal regulation.

PART II AUTHORIZATION UNDER THIS GENERAL PERMIT

A. Application for Coverage.

1. An MS4 operator seeking authorization to discharge under this general permit shall submit to ADEQ a completed Notice of Intent (NOI) form, in accordance with the deadlines listed in Part III.A of this permit. The NOI form, obtained from the ADEQ, includes the information and attachments required in Part III.B of this permit. The NOI must be signed and dated in accordance with Part VI.I of this permit. **An initial permit fee of \$200.00 must accompany the NOI under the provisions of ADEQ Regulation No.9. Subsequent annual fees of \$200.00 per year will be billed by the Department.**
2. If an operator changes after an NOI has been submitted, the new operator shall submit either an Ownership Change Form, a Name Change Form, or a new or revised NOI to ADEQ for review. This permit is not transferable to any person except after notice to the permitting authority. The permitting authority may require modification or revocation and reissuance of the permit to change the name of the operator and incorporate such other requirements as may be necessary under the Act.
3. A discharger, who submits a complete NOI by following the information and attachment inclusions as outlined in Part III.B and meets the eligibility requirements in Part I of this permit, is authorized to discharge storm water from a small MS4 under the terms and conditions of this general permit two weeks after the date the NOI is postmarked. Upon review of the NOI and other available information, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit.
4. If ADEQ notifies the MS4 operator of deficiencies or inadequacies in any portion of the NOI (including the Storm Water Management Program), the MS4 operator must correct the deficient or inadequate portions and submit a written statement to ADEQ certifying that appropriate changes have been made. The certification must be submitted within the time-frame specified by ADEQ and must specify how the NOI has been amended to address the identified concerns.

B. Terminating Coverage.

1. A permittee may terminate coverage under this general permit by submitting a notice of termination (NOT) to ADEQ within 30 days after the permittee:
 - a. Ceases discharging storm water from the MS4, or

- b. Ceases operations at the MS4.
- 2. The NOT may consist of a letter to ADEQ and must include the following information:
 - a. Name, mailing address, and location of the MS4 for which the notification is submitted;
 - b. The name, address, and telephone number of the operator addressed by the NOT;
 - c. The NPDES general permit number for the MS4;
 - d. An indication of whether another operator has assumed responsibility for the MS4, the discharger has ceased operations at the MS4, or the storm water discharges have been eliminated; and
 - e. The following certification:

I certify under penalty of law that all storm water discharges from the identified MS4 that are authorized by an NPDES general permit have been eliminated, or that I am no longer the operator of the MS4, or that I have ceased operations at the MS4. I understand that by submitting this Notice of Termination I am no longer authorized to discharge storm water under this general permit, and that discharging pollutants in storm water to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I also understand that the submission of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

- f. NOT's, signed in accordance with Part VI.I of this permit, must be sent to:

Arkansas Department of Environmental Quality
P. O. Box 8913
Little Rock, AR 72219-8913
Attention: Storm Water Section

PART III NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification

1. MS4s automatically designated under 40 CFR 122.32(a)(1) are required to submit an NOI and a description of the storm water management program or apply for an individual NPDES permit within 90 days from the effective date of the permit.
2. MS4s designated under 40 CFR 122.26(a)(9)(i)(C) or (D), are required to submit an NOI and a description of the storm water management program within 180 days of notice of designation, unless the notice of designation grants a later date.
3. New MS4s and New Operators
 - a. For new MS4s within urbanized areas which commence discharges subsequent to the effective date of the permit, the NOI must be submitted prior to commencing discharges.
 - b. For new operators of an existing MS4, the NOI must be submitted prior to taking operational control of the MS4.
4. *Submitting a Late NOI.* MS4 operators are not prohibited from submitting an NOI after the dates provided in Parts III.A.1, Part III.A.2, or Part III.A.3. If a late NOI is submitted, the authorization is only for discharges that occur after permit coverage is effective. The permitting authority reserves the right to take appropriate enforcement actions for any un-permitted discharges.

B. Contents of Notice of Intent. An MS4 operator eligible for coverage under this general permit shall submit an NOI to discharge under this general permit. The NOI shall contain the following information:

1. The name, mailing address, and telephone number of the municipal entity applying;
2. An indication of whether the MS4 operator is a Federal, State, County, Municipality, or other public entity;
3. The urbanized area or core municipality (if not located in an urbanized area) where the small MS4 is located; the county(ies) where the small MS4 is located, and the latitude and longitude of the approximate center of the small MS4;
4. The name and work position or title of the contact person;

5. The name of the major receiving water(s) and an indication of whether any of the receiving waters are on the latest CWA section 303(d) list of impaired waters or have an approved TMDL.

If the small MS4 discharges to any waters for which a TMDL applicable to discharges from the MS4 has been approved, indicate that the SWMP meets the requirements of Part I.D.8;

6. If the MS4 operator is relying on another governmental entity to satisfy one or more permit obligations (see Part V.D), the identity of that entity(ies) and the element(s) the entity(ies) will be implementing;
7. An indication of whether the MS4 operator intends to cover discharges associated with municipal industrial activity and/or municipal construction activity under this permit.
8. A description of the Storm Water Management Program (SWMP), including Best Management Practices (BMPs) that will be implemented and the measurable goals for each of the storm water minimum control measures specified in Part V.B of this permit, the month and year in which the MS4 operator will start and fully implement each of the minimum control measures or the frequency of the action, the name of the person(s) responsible for implementing or coordinating the SWMP, and the supporting documentation required by Part I.D.5 and Part I.D.6.
9. The signature of the certifying official, signed in accordance with the signatory requirements of Part VI.I.

- C. **Where to Submit.** The MS4 operator shall submit the signed NOI to ADEQ at the following address:

Arkansas Department of Environmental Quality
P. O. Box 8913
Little Rock, AR 72219-8913
Attention: Storm Water Section

- D. **Co-Permittees Under a Joint SWMP.** Any small MS4 that meets the requirements of Part I of this general permit may choose to partner with another regulated MS4 to develop and implement a SWMP. The partnering MS4s must submit separate NOIs, but need only prepare one joint SWMP. If responsibilities are being shared as provided in Part V.D of this permit, the SWMP must describe which permittees are responsible for implementing each of the minimum measures. All small MS4 permittees are subject to the provisions in Part V.E.

PART IV SPECIAL CONDITIONS

- A. **Compliance with Water Quality Standards.** Where a discharge is already authorized under this general permit and is later determined to cause or contribute to the violation of an applicable water quality standard, ADEQ will notify the permittee. The permittee must take all necessary actions to ensure that future discharges do not cause or contribute to an exceedance of a surface water quality standard and shall document these actions in the SWMP. If an exceedance remains or re-occurs, the coverage under this general permit may be terminated by ADEQ, and ADEQ may require an application for coverage under an individual permit. Compliance with this requirement does not preclude any enforcement activity for the underlying violation.
- B. **Total Maximum Daily Loads (TMDLs) Allocations Established after Permit Issuance.** If a TMDL is established for any waterbody into which the permittee discharges prior to the date that the permittee or MS4 operator submits an NOI, and if that TMDL includes a wasteload allocation or load allocation for a parameter likely to be discharged by the MS4, the permittee must meet the requirements of the TMDL and/or its associated implementation plan within any timeframes established in the TMDL. If a TMDL is approved for any waterbody into which the permittee discharges after the date that the permittee or MS4 operator submits an NOI, ADEQ may require revisions to the SWMP to ensure that the wasteload allocation, load allocation and/or the TMDL=s associated implementation plan will be met within any timeframes established in the TMDL. Monitoring of the discharges may also be required, as appropriate, to ensure compliance with the TMDL. Information regarding existing and proposed TMDLs can be obtained from the Water Quality Section of the ADEQ Water Division at (501) 682-0660 or from the ADEQ website at the following address:
http://www.adeq.state.ar.us/water/branch_planning/.

PART V
STORM WATER MANAGEMENT PROGRAM (SWMP)

- A. **General Requirements.** An MS4 operator shall develop, implement, and evaluate a SWMP designed to meet the appropriate surface water quality standards. The SWMP shall include the best management practices (BMPs) and other provisions ADEQ determines appropriate for the control of pollutants.
1. A permittee must fully implement the SWMP, including its measurable goals, no later than five (5) years from the effective date of the permit (except as provided under Part V.A.2.b of this permit).
 2. The SWMP shall address each of the minimum control measures of Part V.B. The SWMP must provide:
 - a. BMPs that ensure that the discharges do not cause or contribute to an exceedance of an applicable numeric or narrative water quality standard; and
 - b. Measurable goals, including interim milestones, for each BMP, including as appropriate, the months and years in which the MS4 will undertake the required actions and the frequency of the action. Program development and implementation schedules under this paragraph must provide for full implementation of a complete SWMP no later than five years from the effective date of the permit. Credible interim progress in developing and implementing program elements must be made over the five year term of the permit.
- B. **Minimum Control Measures.** (Guidance on Minimum Measures, Measurable Goals, and BMPs are available via <http://www.epa.gov/earth1r6/6wq/npdes/sw/ms4/>)
1. ***Public Education and Outreach on Storm Water Impacts.***
 - a. The permittee or MS4 operator, as applicable, must:
 - i. Implement a public education program to distribute educational materials (i.e., flyers placed in the Municipal water bill envelope) to the community or conduct equivalent outreach activities about the impact of storm water discharges on waterbodies and the steps that the public can take to reduce pollutants in storm water runoff;.
 - b. The permittee or MS4 operator, as applicable, may use the following ***recommendations*** in the development of the SWMP:

- i. Use storm water educational materials locally developed or provided by:
 - (A) The EPA;
 - (B) ADEQ;
 - (C) Environmental, public interest, or trade organizations; and/or
 - (D) Other MS4s.
 - ii. Inform individuals and households about the steps they can take to reduce storm water pollution, such as ensuring proper septic system maintenance, ensuring the proper use and disposal of landscape and garden chemicals including fertilizers and pesticides, protecting and restoring riparian vegetation, and properly disposing of used motor oil or household hazardous wastes;
 - iii. Inform individuals and groups how to become involved in local stream restoration activities as well as activities that are coordinated by youth service and conservation corps or other citizen groups;
 - iv. Tailor your program, using a mix of locally appropriate strategies, to target specific audiences and communities. You should target some of the materials or outreach programs to be directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant storm water impacts. For example, providing information to restaurants on the impact of grease clogging storm drains and to garages on the impact of oil discharges;
 - v. Tailor your outreach program to address the viewpoints and concerns of all communities, particularly minority and disadvantaged communities, as well as any special concerns relating to children.
- c. The permittee or MS4 operator must define appropriate BMPs for this minimum control measure and measurable goals for each BMP.

2. ***Public Involvement/Participation.***

- a. The permittee or MS4 operator, as applicable, must:
 - i. Comply with State and local public notice requirements when implementing a public involvement/participation program.
- b. The permittee or MS4 operator, as applicable, may use the following ***recommendations*** in the development of the SWMP:
 - i. Include the public in developing, implementing, and reviewing your storm water management program and make efforts to reach out and engage all economic and ethnic groups. Opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local storm water management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other pre-existing programs, or participating in volunteer monitoring efforts. (Citizens should obtain approval where necessary for lawful access to monitoring sites.)
- c. The permittee or MS4 operator must define appropriate BMPs for this minimum control measure and measurable goals for each BMP.

3. ***Illicit Discharge Detection and Elimination.***

- a. The permittee or MS4 operator, as applicable, must:
 - i. Develop, implement and enforce a program to detect and eliminate illicit discharges into the small MS4 and notify the ADEQ of any illicit discharges that may result in an exceedance of an applicable water quality standard;
 - ii. Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
 - iii. To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the storm sewer system and implement

appropriate enforcement procedures and actions;

- iv. Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system;
 - v. Inform public employees, businesses, and the general public of hazards associated with illegal connections and illicit discharges and improper disposal of waste; and
 - vi. Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from emergency fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).
- (A) The permittee may also develop a list of other similar occasional incidental non-storm water discharges (e.g., non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the MS4, because of either the nature of the discharges or conditions the permittee has established for allowing these discharges to the MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs on the wash water, etc.). The permittee must document in the SWMP any local controls or conditions placed on the discharges, and include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to the MS4.

- b. The permittee or MS4 operator, as applicable, may use the following **recommendations** in the development of the SWMP:
 - i. Ensure that the plan to detect and address illicit discharges, includes the following four components:
 - (A) Procedures for locating priority areas likely to have illicit discharges;
 - (B) Procedures for tracing the source of an illicit discharge;
 - (C) Procedures for removing the source of the discharge; and
 - (D) Procedures for program evaluation and assessment.
 - ii. Conduct visual screening of the outfalls during dry weather and conduct field tests of selected pollutants as part of the procedures for locating priority areas.
- c. The permittee or MS4 operator must define appropriate BMPs for this minimum control measure and measurable goals for each BMP.

4. ***Construction Site Storm Water Runoff Control.***

- a. The permittee or MS4 operator, as applicable, must address the storm water runoff from construction sites by one of the following methods:
 - i. Develop and implement a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The extent to which the program will rely upon the NPDES Phase II Construction regulation should be specified.
 - (A) The program must include the development and implementation of, at a minimum:
 - (1) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent

- allowable under State or local law;
- (2) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
 - (3) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
 - (4) Procedures for site plan review which incorporate consideration of potential water quality impacts;
 - (5) Procedures for receipt and consideration of information submitted by the public; and
 - (6) Procedures for site inspection and enforcement of control measures.
- ii. In lieu of some of the above requirements, the permittee or MS4 operator must, at a minimum, have a procedure in place to require construction sites greater than or equal to one acre located within the MS4 to obtain the proper storm water construction permit coverage from the ADEQ. The requirements contained in Parts V.B.4.a.i.(A).(1), (2), (3), (5), and (6) can potentially be covered by the ADEQ Storm Water Construction General Permit.
- b. The permittee or MS4 operator, as applicable, may use the following **recommendations** in the development of the SWMP:
- i. Before any building permit is issued for a lot or site of one acre or more, the developer or contractor must submit a storm water management plan. Compliance with this storm water management plan will be checked each time the Building Inspector visits the site.
 - ii. Include sanctions to ensure compliance: examples include non-monetary penalties, fines, bonding requirements and/or permit denials for non-compliance;
 - iii. Include procedures for site plan review including the review of individual pre-construction site plans to ensure consistency with

- local sediment and erosion control requirements;
- iv. Include procedures for site inspections and enforcement of control measures including steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and
 - v. Provide educational and training measures for construction site operators, including requiring implementing a storm water pollution prevention plan (SWPPP) at construction sites within your jurisdiction that discharge into your system.
- c. The permittee or MS4 operator must define appropriate BMPs for this minimum control measure and measurable goals for each BMP.
- d. *Optional Coverage for the MS4 Operator=s Discharges Associated with MS4 Construction Activity:* MS4 operators covering discharges of storm water associated with construction activity under this permit must:
- i. Adopt in the initial Construction Site Storm Water Runoff Control program submitted with the NOI controls over the permittee=s construction projects equivalent to controls required by the current ADEQ Construction General Permit for the area(s) the MS4 is located.
 - ii. Ensure all construction projects being covered meet all eligibility requirements of the Construction General Permit, other than those related to submission of NOIs.
 - iii. Prepare and implement a storm water pollution prevention plan consistent with the Construction General Permit for each municipal construction project covered under this permit. This plan may be a Auniversal@ or Astandard@ plan applied to all municipal construction projects or a group of similar construction projects.
 - iv. Maintain a record of the location, acres disturbed, and dates construction activities commenced and ended of all construction projects covered under this permit. This summary of coverage information must be included in the Annual Report required under Part V.H.

5. ***Post-Construction Storm Water Management in New Development and Redevelopment.***
- a. The permittee or MS4 operator, as applicable, must:
 - i. Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts;
 - ii. Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;
 - iii. Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law; and
 - iv. Ensure adequate long-term operation and maintenance of BMPs.
 - b. The permittee or MS4 operator, as applicable, may use the following ***recommendations*** in the development of the SWMP:
 - i. Ensure that the BMPs chosen are appropriate for the local community; minimize water quality impacts; and attempt to maintain pre-development runoff conditions;
 - ii. In choosing appropriate BMPs, participate in locally-based watershed planning efforts which attempt to involve a diverse group of stakeholders including interested citizens. When developing a program that is consistent with this measure's intent, ADEQ recommends that you adopt a planning process that identifies the municipality's program goals (e.g., minimize water quality impacts resulting from post-construction runoff from new development and redevelopment), implementation strategies (e.g., adopt a combination of structural and/or non-structural BMPs), operation and maintenance policies and procedures, and enforcement procedures;
 - iii. In developing the program, consider assessing existing ordinances, policies, programs and studies that address storm water runoff

quality. In addition to assessing these existing documents and programs, you should provide opportunities to the public to participate in the development of the program;

- iv. Ensure the appropriate implementation of the structural BMPs by considering some or all of the following: pre-construction review of BMP designs; inspections during construction to verify BMPs are built as designed; post-construction inspection and

maintenance of BMPs; and penalty provisions for the noncompliance with design, construction/operation, and maintenance; and

- v. Provide for a review of the requirements on a regular basis to ensure that the requirements are responsive to the constantly changing storm water technologies, developments, and improvements in control technologies.

- c. The permittee or MS4 operator must define appropriate BMPs for this minimum control measure and measurable goals for each BMP.

6. ***Pollution Prevention/Good Housekeeping for Municipal Operations.***

- a. The permittee or MS4 operator, as applicable, must:
 - i. Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from MS4 operations; and
 - ii. Using training materials that are available from EPA, ADEQ, or other organizations, the program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction or land disturbances, and storm water system maintenance.
- b. The permittee or MS4 operator, as applicable, may use the following ***recommendations*** in the development of the SWMP:
 - i. Maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural storm water controls to reduce floatables and other pollutants discharged from the separate storm sewers;

- ii. Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by you, and waste transfer stations;
 - iii. Procedures for properly disposing of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris);
 - iv. Ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices; and
 - v. Include operation and maintenance as an integral component of all storm water management programs. This measure is intended to improve the efficiency of these programs and require new programs where necessary.
- c. The permittee or MS4 operator must define appropriate BMPs for this minimum control measure and measurable goals for each BMP.
- d. *Optional Coverage for the MS4 Operator=s Discharges Associated with MS4 Industrial Activity:* MS4 operators covering discharges of storm water associated with industrial activity under this permit must:
- i. Adopt in the initial Pollution Prevention/Good Housekeeping for Municipal Operations program submitted with the NOI controls over the permittee=s industrial activities at municipal facilities equivalent to controls required by the current ADEQ's General Industrial Storm Water Permit for the area(s) the MS4 is located.
 - ii. Ensure all facilities being covered meet all eligibility requirements of the General Industrial Storm Water Permit, other than those related to submission of NOIs.
 - iii. Prepare and implement a storm water pollution prevention plan consistent with the General Industrial Storm Water Permit for each municipal facility with storm water discharges associated with industrial activity covered under this permit. This plan may be a Auniversal@ or Astandard@ plan applied to all facilities or a group of similar facilities.

- iv. Maintain a record of the location and industrial activity of all facilities with discharges of storm water associated with industrial activity covered under this permit. This summary of coverage information must be included in the Annual Report required under Part V.H.

C. Qualifying State or Local Program.

1. The permittee or MS4 operator may follow any qualifying program instead of the relevant requirements in Part V.B above.

D. Sharing Responsibility. Implementation of one or more of the minimum measures may be shared with another entity, or the entity may fully take over the measure. (For example, the State program implementing Phase II Storm Water requirements for Small Construction sites (down to one acre) will largely meet the conditions of Part V.B.4 above.) A permittee may rely on another entity only if:

1. The other entity, in fact, implements the control measure;
2. The control measure, or component of that measure, is at least as stringent as the corresponding permit requirement; and
3. The other entity agrees to implement the control measure on the permittee's behalf. Written acceptance of this obligation is expected. The permittee shall maintain this obligation as part of the SWMP description. If the other entity agrees to report on the minimum measure, the permittee shall supply the other entity with the reporting requirements in Part V.H of this general permit. The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure component.

E. Reviewing and Updating SWMPs.

1. The permittee shall annually review the SWMP in conjunction with preparation of the annual report required under Part V.H.
2. The permittee may change the SWMP during the life of the permit according to the following procedures:
 - a. Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to ADEQ;
 - b. Changes replacing an ineffective or infeasible management practice specifically identified in the SWMP with an alternate management

practice may be requested at any time. Unless denied by ADEQ, changes proposed according to the criteria below are deemed approved and may be implemented 60 days after submitting the request. If the request is denied, ADEQ will send a written response giving a reason for the decision.

Modification requests must include:

- i. An analysis of why the management practice is ineffective or infeasible (including cost prohibitive),
 - ii. Expectations on the effectiveness of the replacement management practice, and
 - iii. An analysis of why the replacement management practice is expected to achieve the goals of the management practice to be replaced;
 - c. Change requests or notifications must be made in writing and signed in accordance with Part VI.I.
3. ADEQ may notify a permittee that changes to the SWMP are necessary:
- a. To address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;
 - b. To include more stringent requirements necessary to comply with new federal or state statutory or regulatory requirements;
 - c. To include other conditions deemed necessary by ADEQ to comply with the surface water quality standards, ESA related requirements, and/or other goals and requirements of the CWA, or
 - d. If, at any time, ADEQ determines that the SWMP does not meet permit requirements.
4. Within 90 days of receipt of notification as described in Part V.E.3 above, the permittee must make the required changes to the SWMP and submit to ADEQ a written statement certifying that the requested changes have been made. ADEQ will request changes in writing, and offer an opportunity to propose alternative program changes to meet the objective of the requested modification.
5. *Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation.* The permittee must implement the SWMP on all new areas added to the permittee's portion of the MS4 (or for which the permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one (1) year from addition of the new areas.

Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

- a. Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee must have a plan for implementing the SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP must be included in the annual report.
- b. Only those portions of the SWMP specifically required as permit conditions shall be subject to the modification requirements of 40 CFR 124.5. Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the SWMP with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the SWMP and not modifications to the permit.

F. Monitoring.

1. The permittee must evaluate program compliance, the appropriateness of identified best management practices, and progress toward achieving identified measurable goals. If the permittee discharges to waters for which a TMDL and implementation plan has been established, the permittee must monitor to determine if the storm water controls are adequate to maintain compliance with the MS4's wasteload allocation.
2. If the permittee conducts monitoring per the TMDL and implementation plan requirements at the permitted small MS4, the permittee must comply with the following:
 - a. *Representative monitoring.* Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. *Test Procedures.* Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136.
 - c. *Discharge Monitoring Report.* Monitoring results must be reported on a Discharge Monitoring Report (DMR) form and submitted in accordance with the TMDL and implementation plan requirements.

3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The names(s) of the individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The names of the individuals who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.

G. Recordkeeping.

1. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or other recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of Discharge Monitoring Reports (DMRs), a copy of the NPDES permit, and records of all data used to complete the application (NOI) for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the permitting authority at any time.
2. The permittee shall submit any records to the permitting authority upon request. The permittee must retain a description of the SWMP required by this permit (including a copy of the permit language) at a location accessible to the permitting authority. The permittee must make all records, including the notice of intent (NOI) and the description of the SWMP, available to the public if requested in writing.

H. Reporting.

1. The permittee must submit annual reports to ADEQ for each year of the permit term. The first report is due fifteen (15) months from the effective date of the permit, covering the activities of the permittee during the twelve (12) month period beginning on the effective date of the permit for the permittee. Subsequent annual reports are due on the same date for each of the following years during the remainder of the permit term (and continuing into any administrative continuance

of the permit, should it not be reissued prior to expiration). The report must include:

- a. The status of compliance with permit conditions, an assessment of the appropriateness of the identified best management practices, and the progress towards achieving the measurable goals for each of the minimum control measures;
 - b. Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the maximum extent practicable;
 - c. A summary of the storm water activities the permittee plans to undertake during the next reporting cycle (including an implementation schedule);
 - d. Proposed changes to the storm water management program, including changes to any BMPs or any identified measurable goals that apply to the program elements;
 - e. Description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans; and
 - f. Notice that the permittee is relying on another government entity to satisfy some of the permit obligations (if applicable).
2. Where to Submit. Annual reports shall be submitted to ADEQ at the following address:

Arkansas Department of Environmental Quality
P. O. Box 8913
Little Rock, AR 72219-8913
Attention: Storm Water Section

PART VI STANDARD PERMIT CONDITIONS

- A. **Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- B. **Penalties for Violations of Permit Conditions.** The Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended) provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a fine of not more than twenty five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars (\$10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.
- C. **Duty to Reapply.** Upon re-issuance of a new general permit, the permittee must notify the Director of the intent to be covered by the new general permit in the following manner.
1. Submit a Notice of Intent (NOI) consistent with the new general permit requirements no later than 90 days following the effective date of the new general permit.
- D. **Continuation of the Expired General Permit.** An expired general permit continues in force and effect until a new general permit is issued. If this permit is not re-issued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect. If you were granted permit coverage prior to the expiration date, you will automatically remain covered by the continued permit until the earliest of:
1. Re-issuance or replacement of this permit, at which time you must comply with the conditions of the new permit and NOI to maintain authorization to discharge; or
 2. Your submittal of a Notice of Termination; or
 3. Issuance of an individual permit for the project's discharges; or
 4. A formal permit decision by the ADEQ to not re-issue this general permit, at which time you must seek coverage under an individual permit.

- E. Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- F. Duty to Mitigate.** The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
- G. Duty to Provide Information.** The permittee must furnish to the permitting authority any information that is requested to determine compliance with this permit or other information.
- H. Other Information.** If the permittee becomes aware that the permittee has failed to submit any relevant facts in the Notice of Intent or submitted incorrect information in the Notice of Intent or in any other report to the permitting authority, the permittee must promptly submit such facts or information.
- I. Signatory Requirements.** All Notices of Intent, Notices of Termination, reports, certifications, or information submitted to the permitting authority, or that this permit requires be maintained by the permittee shall be signed and certified as follows:
1. All Notices of Intent must be signed and certified as follows:
 - a. For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 - c. For a Municipality, County, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes
 - i. The chief executive officer of the agency, or
 - ii. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).
2. All NOT's, SWMP's, reports, certifications, or other information required by this permit must be signed by a person described in Part VI.I.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a. The authorization is made in writing by a person described in Part VI.I;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - c. The signed and dated written authorization is included in the SWMP. A copy must be submitted to ADEQ, if requested.
3. Changes to Authorization. If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of Part VI.I.2 above must be completed prior to or together with any reports, information, or notices of intent to be signed by an authorized representative.
4. Any person signing documents under the terms of this permit shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief,

true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- J. Penalties for Falsification of Reports.** The Arkansas Water and Air Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part VI.B of this permit and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).
- K. Penalties for Tampering.** The Arkansas Water and Air Pollution Control act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than twenty five thousand dollars (\$25,000) or by both such fine and imprisonment.
- L. Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- M. Proper Operation and Maintenance.** The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the conditions of the permittee's storm water management program. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with the conditions of the permit.
- N. Inspection and Entry.** The permittee must allow the permitting authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator) upon the presentation of credentials and other documents as may be required by law, to do any of the following:
1. Enter the premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
 2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this

permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.
- O. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- P. Permit Transfers.** This permit is not transferable to any person except after notice (Ownership Change Form) to the permitting authority. The permitting authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.
- Q. Anticipated Noncompliance.** The permittee must give advance notice to the permitting authority of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.
- R. State Environmental Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.
1. No condition of this permit releases the permittee from any responsibility or requirements under other environmental statutes or regulations.
- S. Severability.** The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- T. Procedures for Modification or Revocation.** Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.
- U. Requiring an Individual NPDES Permit.**
1. *Request by permitting authority.* The permitting authority may require any person seeking authority under, or authorized by, this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the permitting authority to take action under this paragraph. Where the permitting authority requires the permittee to apply for an individual NPDES permit, the permitting authority will notify the permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the permittee to file the application, and a statement that on the

effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications must be submitted to ADEQ. The permitting authority may grant additional time to submit the application upon request of the MS4 operator. If the permittee fails to submit in a timely manner an individual NPDES permit application as required by the permitting authority under this paragraph, then the applicability of this permit to the permittee is automatically terminated at the end of the day specified by the permitting authority for application submittal. This paragraph does not apply to any person whom the permitting authority determines was never eligible under Part I.D. The permitting authority may also notify a discharger to file for an individual permit prior to submission of an NOI.

2. *Request by permittee.* Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual NPDES permit. In such cases, the permittee must submit an individual application in accordance with the requirements of 40 CFR 122.33(b)(2), with reasons supporting the request, to ADEQ. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.
3. *General permit termination.* When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the permittee is authorized to discharge under an alternative NPDES

general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the permitting authority.

PART VII DEFINITIONS

All definitions contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

"Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Control Measure" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

"CWA" means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. '1251 et seq.

"Director" means the Director, Arkansas Department of Environmental Quality, or a designated representative.

"Discharge" when used without qualification means the "discharge of a pollutant."

"Discharge of Storm Water Associated with Construction Activity" as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

"Discharge-related activities" include: activities which cause, contribute to, or result in storm water point source pollutant discharges; and measures to control storm water discharges, including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent storm water pollution.

"Eligible" means qualified for authorization to discharge storm water under this general permit.

"Facility" or "Activity" means any NPDES "point source" or any other facility (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

"Illicit Connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

"Large and Medium Municipal Separate Storm Sewer System" means all municipal separate storm sewer systems that are either:

- (i) Located in an incorporated place with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census; or
- (ii) Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal, separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
- (iii) Owned or operated by a municipality other than those described in paragraphs (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

"MEP" means Maximum Extent Practicable, the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges. A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34. CWA section 402(p)(3)(B)(iii) requires that a municipal permit shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system design, and engineering methods, and other provisions such as the Administrator or the State determines appropriate for the control of such pollutants.

"Measurable Goal" means a quantitative measure of progress in implementing a component of a storm water management program.

"MS4" means Municipal Separate Storm Sewer System.

"Municipal Separate Storm Sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and storm drains):

- (i) Owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying storm water;

- (iii) That is not a combined sewer; and
- (iv) That is not part of a publicly owned treatment works.

"NOI" means Notice of Intent to be covered by this permit.

"NOT" means Notice of Termination.

"Outfall" means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and that are used to convey waters of the United States.

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

"Permitting Authority" means the Arkansas Department of Environmental Quality.

"Physically Interconnected" means that one municipal separate storm sewer system is connected to a second municipal separate storm sewer system in such a way that it allows for direct discharges into the second system.

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Pollutant" is defined at 40 CFR 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

"Regulated Small Municipal Separate Storm Sewer System" means all municipal separate storm sewer systems that are either:

- (i) Located within the boundaries of an "urbanized area" with a population of 50,000 or more as determined by the latest Decennial Census by the Bureau of Census; or
- (ii) Owned or operated by a municipality other than those described in paragraph (i) and that serve a jurisdiction with a population of at least 10,000 and a population density of at least 1,000 people per square mile; or

- (iii) Owned or operated by a municipality other than those described in paragraphs (i) and (ii) and that contributes substantially to the pollutant loadings of a “physically interconnected” municipal separate storm sewer system.

The term Regulated Small MS4 in this permit means the same as the *permittee* and the *owner/operator*.

"Significant contributors of pollutants" means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

"Small Municipal Separate Storm Sewer System" all separate storm sewers that are:

- (i) Owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States.
- (ii) Not defined as "large" or "medium" municipal separate storm sewer systems in accordance with this permit (i.e., an incorporated place with a population of less than 100,000 as determined by the latest Decennial Census by the Bureau of Census).
- (iii) This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm Water Associated with Construction Activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to construction activity. Discharges of storm water from large construction sites (those areas that will result in the disturbance of five (5) or more acres of total land area or less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more) and small construction sites (those areas that will result in the total disturbance of greater than one (1) acre and less than five acres of total land area or less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more), (henceforth referred to as storm water discharges from construction activities).

"Storm Water Management Program (SWMP)" means a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

"Total Maximum Daily Loads (TMDL)" means for waters that are not meeting water quality standards or have a significant potential not to meet standards as a result of point source discharges or nonpoint source activities, TMDL's are developed which establish the maximum amount of a pollutant that can enter a specific water body without violating the water quality standards. The values are normally calculated amounts based on dilution and the assimilative capacity of the water body. Calculations are performed by various models which predict safe levels of contaminants based on worst-case conditions and providing a margin of safety. The calculated safe amounts then may be allocated to point source discharges as a wasteload allocation (WLA) and to nonpoint sources as a local allocation (LA). This constitutes a TMDL.

"Urbanized Area" means the areas of urban population density delineated by the Bureau of the Census for statistical purposes and generally consisting of the land area comprising one or more central place(s) and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile as determined by the latest Decennial Census by the Bureau of Census.

"Waters of the United States" means:

- (i) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (ii) All interstate waters, including interstate "wetlands";
- (iii) All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - Which are used or could be used for industrial purposes by industries in interstate commerce;
- (iv) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (v) Tributaries of waters identified in paragraphs (1) through (4) of this definition;

- (vi) The territorial sea; and
- (vii) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (i) through (vi) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds for steam electric generation stations per 40 CFR 423) which also meet the criteria of this definition) are not waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with ADEQ.